

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PATRICE EDWARDS,

Plaintiff,

-against-

DOW CENTER, *et al.*,

Defendants.
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MEMORANDUM &
ORDER

No. 23-CV-4850-DG-JRC

JAMES R. CHO, United States Magistrate Judge:

By Order dated August 4, 2023, this Court granted the motion of *pro se* plaintiff Patrice Edwards to proceed *in forma pauperis* and directed the United States Marshals Service (“USMS”) to serve the Summons and Complaint upon ten defendants, without prepayment of fees. *See* Dkt. 4.

As to **defendant Maxus Energy Corp.** (“Maxus”),¹ the USMS filed a return of service unexecuted, explaining that the mailing sent to Maxus was returned by the United States Postal Service because it was unable to locate Maxus at that address. *See* Dkt. 18.

With respect to **defendant Thompson Chemical Corp.**, the USMS attempted to serve a “Thompson Chemical Corp.” in Catoosa, Oklahoma at the address provided by plaintiff, but the Acknowledgement of Service form was returned unexecuted because according to the entity served, it is “the wrong company . . . we resell products, opened in 1987, never dealt with agent orange.” Dkt. 14 at ECF page 1. The entity served suggests that the proper defendant is

¹ The Court takes judicial notice that on June 17, 2016, Maxus, and certain of its subsidiaries, filed for Chapter 11 bankruptcy protection in the United States Bankruptcy Court for the District of Delaware. *See In re Maxus Energy Corp.*, No. 16-11501 (Bankr. D. Del.).

Thompson Chemicals Corporation located in St. Louis, Missouri. *Id.* at ECF page 2.

Service on **defendant Hercules Inc./Ashland Inc.** (“Hercules/Ashland”) appears incomplete because plaintiff failed to provide a complete service address for Hercules/Ashland. *See* Dkts. 11, 12 (“Returned Unexecuted by Patrice Edwards as to Hercules Inc./ Ashland Inc. due to incomplete service address provided by plaintiff”), 1 at ECF page 4 (address provided: “W 13th Street, Wilmington, DE 19801”).²

“Although *pro se* litigants proceeding *in forma pauperis* . . . may enlist the help of the United States Marshals Service to effect service under Rule 4, these litigants are, for obvious reasons, still responsible for providing the Marshals Service with accurate information to enable proper service.” *Castro v. Cusack*, No. 15-CV-6714, 2019 WL 3385218, at *5 (E.D.N.Y. July 26, 2019). Accordingly, a plaintiff proceeding *in forma pauperis* must provide the Court with an accurate address for service of process in order for the Court to have service effected on plaintiff’s behalf by the USMS. *See id.* (dismissing *pro se* complaint for failure to provide proper addresses to USMS for service).

By October 31, 2023, plaintiff shall file a letter providing accurate addresses for service on defendants (1) Maxus Energy Corp., (2) Thompson Chemicals Corporation, and (3) Hercules, Inc./Ashland Inc. In the alternative, plaintiff shall advise the Court whether she wishes to discontinue the action against those defendants.

² Even though Hercules/Ashland may not have received formal service of the Summons and Complaint, it may have notice of this action. In the status report submitted by defendant The Dow Chemical Company, it noted that Hercules/Ashland intends to move for dismissal of this action. Dkt. 22.

The Clerk's Office is directed to mail a copy of this Order to the plaintiff.

SO ORDERED

Dated: Brooklyn, New York
October 6, 2023

s/ James R. Cho
James R. Cho
United States Magistrate Judge